REMARKS

By this Amendment, the specification and claims 1-12 are amended. Claims 1-12 have been amended to remove the parenthetical references to features described in the specification. This is intended not only to place the claims in proper U.S. format but also to broaden the scope of the claims accordingly. Claim 1 has also been amended to positively recite that the top portion of the second member is as a whole translatable in the height adjustment direction of the at least one slat, up to the level of the second connecting means. Support for the amendment to claim 1 may be found, for example, on page 4, lines 26-30, and page 5, lines 14-20 of the specification, as well as in FIGS. 1a and 1b. The specification has been amended to include section headings and a reference to the European priority document (*i.e.*, European Patent Application No. 02447246.6). No new matter has been added. After entry of this Amendment, claims 1-12 will remain in the patent application. Reconsideration and allowance of the present patent application based on the foregoing amendments and following remarks are respectfully requested.

Claims 5-12 were objected to under 37 C.F.R. §1.75(c) as allegedly being in improper form. The rejection is respectfully traversed.

In connection with the objection, the Examiner indicated that a multiple dependent claim may not serve as a basis for any other multiple dependent claim, either directly or indirectly. In response, Applicants respectfully submit that claims 5-12 are in proper form and fully comply with the requirements of section 1.75(c). Namely, claims 5-12 refer to other claims in the alternative only, and/or, do not depend from any other multiple dependent claim. Applicants note that these claims were amended in the Preliminary Amendment filed December 5, 2003, to ensure that any multiple dependent claim does not serve as a basis for any other multiple dependent claim. Accordingly, reconsideration and withdrawal of the objection to claims 5-12 are respectfully requested.

In addition, it is respectfully submitted that the next Office Action must treat claims 5-12 on the merits, and in the event the next Office Action enters any ground of rejection against claims 5-12, such Office Action must be non-final.

Claims 1-2 and 4 were rejected under 35 U.S.C. §102(b) based on Salens (U.S. Pat. No. 4,752,981). The rejection is respectfully traversed.

Claim 1 is patentable over Salens at least because this claim recites a device for attaching at least one slat of a slatted base to a frame of the slatted base wherein, *inter alia*, the resilient member and second connecting means are disposed with respect to each other on

the second member in such a way that when compressing the resilient member, the top portion of the second member is, as a whole, translatable in the height adjustment direction of the at least one slat, up to the level of the second connecting means. Salens does not teach or suggest a device including this feature. Therefore, Salens does not teach or suggest each and every feature recited by claim 1 and, as a result, cannot anticipate claim 1.

In contrast to the device recited by claim 1, Salens discloses a device, for attaching slats of a slatted base to a frame, that includes a bearing (identified as the "first member") arranged to be attached to the inner side of the base and comprising pins (identified as "first connecting means"). (*See* FIG. 1). Salens further discloses that the device includes a lath support (identified as the "second member") that comprises a lath holder (identified as the "top portion") configured to receive an extremity of a slat, and a foot (identified as the "base portion") that is connected to the lath holder via a middle skeleton (identified as the "resilient member"). The lath support includes cavities (identified as the "second connecting means") that are configured to cooperate with the connecting pins to attach the lath support to the bearing. However, Salens is silent about a resilient member and second connecting means that are disposed with respect to each other on the second member in such a way that when compressing the resilient member, the top portion of the second member is, as a whole, translatable in the height adjustment direction of the at least one slat, up to the level of the second connecting means. As can be seen in FIG. 5, the top portion 2 cannot, as a whole, translate downward up to the level of the second connecting means 5 because the connection between the elements 2 and 5 prevent this translation. The resilient member only allows for rotation of the top portion 2 around its axis. For at least this reason, claim 1 is patentable.

Claims 2 and 4 depend from claim 1 and are, therefore, patentable for at least the same reasons provided above in connection with claim 1 and for the additional features recited therein. For example, it is noted that the Examiner has failed to identify where in Salens the features of claim 4 can be found. Thus, Salens merely discloses that lath support 1 ("second member") may be made of a flexible resilient material and that bearing 7 ("first member") may be made of a hard synthetic material. (*See* col. 2, lines 32-33, and lines 36-38). Salens is completely silent about a base portion of the second member being rigid and a top portion of the second member being flexible.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-2 and 4 under 35 U.S.C. §102(b) based on Salens are respectfully requested.

Claim 3 was rejected under 35 U.S.C. §103(a) based on Salens in view of Weber (U.S. Pat. No. 5,924,149). The rejection is respectfully traversed.

Claim 3 depends from claim 1 and is therefore patentable for at least the same reasons provided above in connection with claim 1 and for the additional features recited therein. Namely, claim 3 is patentable over Salens at least because this claim recites a device for attaching at least one slat of a slatted base to a frame of the slatted base wherein, *inter alia*, the resilient member and second connecting means are disposed with respect to each other on the second member in such a way that when compressing the resilient member, the top portion of the second member is, as a whole, translatable in the height adjustment direction of the at least one slat, up to the level of the second connecting means.

Weber fails to remedy the deficiencies of Salens. Although Weber discloses a device including a second member comprising a central spring element 1, a three-point bridge suspension 2, 2' and transverse connections 6, 6' (identified as the "first and second resilient members"), disposed on opposite sides of the central spring element 1, Weber fails to teach or suggest a top portion that is elastically translatable up to the level of a second connecting means. In that regard, it is noted that Weber was only cited for the purpose of allegedly teaching a first and second resilient member. Therefore, any combination of Salens and Weber cannot result, in any way, in the invention of claim 3. For at least this reason, claim 3 is allowable.

Applicants also respectfully note that page 4, lines 15-17, concludes that the features of claim 3 would have been obvious from the disclosure of Weber because it would "provide optimal adjustment and positive support". However, the Examiner provides no teaching, suggestion, and/or motivation for such a determination. The Examiner is respectfully requested to provide the teaching, suggestion, and/or motivation to combine the references or withdraw the rejection. (*See* MPEP 2143).

Accordingly, reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. §103(a) based on Salens in view of Weber are respectfully requested.

Claims 5-12 depend from claim 1 and are patentable over Salens, Weber or a combination thereof for at least the same reasons provided above related to claim 1. Accordingly, it is respectfully submitted that claims 5-12 are in condition for allowance.

All objections and rejections having been addressed, Applicants respectfully submit that the application is in condition for allowance, and a notice to that effect is earnestly solicited.

If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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